

TEXAS TRANSPORTATION COMMISSION

Various Counties

MINUTE ORDER

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Various Districts

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 90th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 authorizes the executive director to approve acceptance of donations to the department and requires that donations valued at \$500 or more must be acknowledged by order of the commission not later than the 90th day after the date the donation is accepted by the department. It further prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

Transportation Code, §223.049 authorizes the department to contract with an owner of land adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner's land. Exhibit A lists donations resulting from a contract executed by the department under Transportation Code, §223.049 and other donations accepted under Transportation Code, §201.206.

The department also acquires by donation land used for highway improvement projects. Exhibit B lists property donated to the department for that purpose. The department has determined that acceptance of these donations is in the best interest and welfare of the traveling public and will provide a significant public benefit.

The commission established the Sponsorship Acknowledgement Program under 43 TAC Chapter 12, Subchapter K. The program, which is authorized by the Federal Highway Administration in FHWA Order 5610.1A, allows the department to place signs acknowledging donations made to the department to fund transportation related services. Exhibit C lists donations made to the department under the Sponsorship Acknowledgement Program.

The executive director has determined that the donations identified in the attached exhibits comply with the applicable provisions of 43 TAC §§1.500-1.506, 43 TAC §12.353, Government Code, Chapter 575 and Transportation Code, §201.206, §223.049 and §224.001, and has approved acceptance of those donations. All required donation agreements have been executed under 43 TAC §1.504 and §1.506, as applicable.

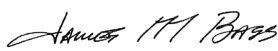
IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified in the attached Exhibits A, B, and C.

Submitted and reviewed by:

Recommended by:

DocuSigned by:

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Director, Contract Services Division

DocuSigned by:

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Executive Director

115827 Aug 27 2020

Minute	Date
Number	Passed

**EXHIBIT A
DONATIONS
August 27, 2020**

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
1.	290 East Bush, Inc.	Austin District	Hays	The donor is donating the design and construction of a right turn deceleration lane for the Ledgestone Commercial development on US 290 at Four Star Blvd. in Austin, Hays County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$174,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way. <i>(Replaces previously acknowledged on 3/28/2019 due to an increase in the estimated value of the donation from \$61,000.00 to \$174,000.00.)</i>	\$174,000.00	7/17/2020
2.	Brooks Ranch at Kyle LLC	Austin District	Hays	The donor is donating the design and construction of widening RM 150 to three lane section for two subdivisions entrance street and intersection improvements for the Brooks Ranch subdivision, in Kyle, Hays County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$230,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$230,000.00	7/24/2020
3.	H-E-B, LP	San Antonio District	Bexar	The donor is donating the design and construction of two deceleration right turn lanes along FM 1957, restriping of FM 1957, two left turn lanes and two straight away lanes at the intersection of FM 1957 and TX 211, and removing a section of the median to provide a left turn lane into the donor's development in San Antonio, Bexar County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$430,000.00.	\$430,000.00	7/24/2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
4.	JRC/Alameda Genoa, Ltd.	Houston District	Harris	The donor is donating the design and construction of a right turn lane from northbound SH 288 into the donor's development in Houston, Harris County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$120,000.00.	\$120,000.00	7/12/2020
5.	Love's Travel Stops & Country Stores, Inc.	Tyler District	Smith	The donor is donating a fixed amount of \$600,000.00 towards the state's cost of improvements at I 20 and Barber Road in Winona, Smith County, Texas. The improvements consist of base repair, subgrade widening, milling, asphalt concrete overlay, structures, metal beam guard fence, bridge rail and pavement markings. All design and construction work will be provided by the state. The state will include the construction work as part of current project CSJ 0495-06-034.	\$600,000.00	7/12/2020
6.	Moonlight Land Company, LLC - Series 101	Waco District	McLennan	The donor is donating the design and construction of expanding the southbound shoulder of US Highway 77 to provide for a 30 feet deceleration lane approaching into the donor's development in Robinson, McLennan County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$40,000.00.	\$40,000.00	7/11/2020
7.	QT South, LLC	Waco District	McLennan	The donor is donating the design and construction of a right turn deceleration lane and sidewalk on the IH 35 southbound frontage road into the donor's establishment in Waco, McLennan County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$152,000.00.	\$152,000.00	7/25/2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
8.	Tribute Ranch, LLC	Bryan District	Walker	The donor is donating the design and construction of a pavement widening to accommodate a left turn lane on FM 1097 into the donor's property located in Walker County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$200,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way. <i>(Replaces previously acknowledged on 7/30/20 due to a change in the description of the donation.)</i>	\$200,000.00	7/16/2020
9.	Waco Infinity Properties, Ltd.	Waco District	McLennan	The donor is donating the design and construction to widen the eastbound frontage road of SH 6 (LP 340), approximately 800 feet east of Old Robinson Road, to add a right turn deceleration lane into the western driveway of the donor's development in Robinson, McLennan County. This includes performing miscellaneous striping and signage replacement between Old Robinson Road and the western driveway to accommodate the development. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$70,000.00.	\$70,000.00	7/25/2020

EXHIBIT B
ROW ACQUISITION BY DONATION
August 27, 2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	TXDOT VALUE	ROW CSJ NO./Parcel No.	DATE ACCEPTED
1.	Plum Creek Fresh Water Supply District No. 1	Houston District	Harris	Donation of 25 acres of land from Montgomery County Line to Liberty County Line – Segment H. Grand Parkway Transportation Corporation and Plum Creek Fresh Water Supply District No. 1 (Water District) have entered into a Right of Way Exchange and Donation Agreement. This agreement will facilitate the construction of improvements, including the design and construction of utility conduits, with the design-builder in exchange for the contribution of right of way needed for the SH 99 project.	\$262,500.00	3510-08-003 Parcel 1000AQ	07/09/2019

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	TXDOT VALUE	ROW CSJ NO./Parcel No.	DATE ACCEPTED
2.	Plum Creek Fresh Water Supply District No. 1	Houston District	Harris	Donation of 20.46 acres of land from Montgomery County Line to Liberty County Line – Segment H. Grand Parkway Transportation Corporation and Plum Creek Fresh Water Supply District No. 1 (Water District) have entered into a Right of Way Exchange and Donation Agreement. This agreement will facilitate the construction of improvements, including the design and construction of utility conduits, with the design-builder in exchange for the contribution of right of way needed for the SH 99 project.	\$214,915.00	3510-08-003 Parcel 1001AQ	07/09/2019
3.	Plum Creek Fresh Water Supply District No. 1	Houston District	Harris	Donation of 120.49 acres of land from Montgomery County Line to Liberty County Line – Segment H. Grand Parkway Transportation Corporation and Plum Creek Fresh Water Supply District No. 1 (Water District) have entered into a Right of Way Exchange and Donation Agreement. This agreement will facilitate the construction of improvements, including the design and construction of utility conduits, with the design-builder in exchange for the contribution of right of way needed for the SH 99 project.	\$1,571,220.00	3510-08-003 Parcel 1100AQ	07/09/2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	TXDOT VALUE	ROW CSJ NO./Parcel No.	DATE ACCEPTED
4.	Austin County	Yoakum District	Austin	Donation of 12.749 acres of land from 5.3 miles north west of Sealy to SH 36 in Sealy. The donation will be utilized as a maintenance facility site.	\$49,631.00	4705-20-008 Parcel 1	06/04/2020
5.	Sam Houston Area Council Boy Scouts of America	San Antonio District	Comal	Donation of 0.746 acres of land located 1.2 Miles west of Hays County line. The donation will be utilized as a picnic/rest area along RM 32.	\$38,040.00	0511-02 Parcel 1	06/04/2020
6.	City of Diboll	Lufkin District	Angelina	Donation of 2.625 acres of land from FM 2108 to 1.15 miles south of White Oak Creek. The City is donating ROW to facilitate a tie-in of Lumberjack Drive to the new location US 59 relief route. Upon completion of the tie-in work, Lumberjack Drive will connect the US 59 relief route to what will become Business US 59 in the City of Diboll. Lumberjack Drive is currently the roadway to Diboll High School and Diboll Primary School.	\$28,730.49	0176-03-116	06/04/2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	TXDOT VALUE	ROW CSJ NO./Parcel No.	DATE ACCEPTED
7.	County of McLennan	Waco District	McLennan	Donation of 2.7303 acres of land from Falls County Line to Woodlawn Rd. This donation will be utilized in the construction of an access road for an underpass on the current IH 35 project.	\$58,277.00	0015-02-058 Parcel 159	06/04/2020
8.	SLC Lufkin, LLC	Lufkin District	Angelina	Donation of 0.4897 acres of land 0.500 miles north of US 69 to US 69. The donation will be utilized for the proposed widening of FM 326.	\$82,748.00	3264-01-012 Parcel 1	06/04/2020

**EXHIBIT C
DONATIONS
AUGUST 27, 2020**

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION
1.	Sports Clips, Inc.	Austin	Williamson	The donor is donating \$1,530.00 under the Sponsor a Highway Program for a period of 2 years. This is a renewal on an existing sign location.
2.	Zeus Mortgage, LTD. ZeusLending.com	Houston	Harris	The donor is donating 1 mile of litter pick up per month for 2 years under the Sponsor A Highway Program.
3.	Nations Reliable Lending, LLC	Houston	Harris	The donor is donating 1 mile of litter pick up per month for 2 years under the Sponsor A Highway Program.